

REFERENCE TITLE: common school districts; grade nine

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SB 1281**

Introduced by  
Senator Huppenthal

AN ACT

AMENDING SECTIONS 15-901 AND 15-2002, ARIZONA REVISED STATUTES; RELATING TO  
SCHOOL FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-901, Arizona Revised Statutes, is amended to  
3 read:

4 15-901. Definitions

5 A. In this title, unless the context otherwise requires:

6 1. "Average daily attendance" or "ADA" means actual average daily  
7 attendance through the first one hundred days or two hundred days in session,  
8 as applicable.

9 2. "Average daily membership" means the total enrollment of fractional  
10 students and full-time students, minus withdrawals, of each school day  
11 through the first one hundred days or two hundred days in session, as  
12 applicable, for the current year. Withdrawals include students formally  
13 withdrawn from schools and students absent for ten consecutive school days,  
14 except for excused absences as identified by the department of education.  
15 For computation purposes, the effective date of withdrawal shall be  
16 retroactive to the last day of actual attendance of the student.

17 (a) "Fractional student" means:

18 (i) For common schools, until fiscal year 2001-2002, a preschool child  
19 who is enrolled in a program for preschool children with disabilities of at  
20 least three hundred sixty minutes each week or a kindergarten student at  
21 least five years of age prior to January 1 of the school year and enrolled in  
22 a school kindergarten program that meets at least three hundred forty-six  
23 instructional hours during the minimum number of days required in a school  
24 year as provided in section 15-341. In fiscal year 2001-2002, the  
25 kindergarten program shall meet at least three hundred forty-eight hours. In  
26 fiscal year 2002-2003, the kindergarten program shall meet at least three  
27 hundred fifty hours. In fiscal year 2003-2004, the kindergarten program  
28 shall meet at least three hundred fifty-two hours. In fiscal year 2004-2005,  
29 the kindergarten program shall meet at least three hundred fifty-four hours.  
30 In fiscal year 2005-2006 and each fiscal year thereafter, the kindergarten  
31 program shall meet at least three hundred fifty-six hours. Lunch periods and  
32 recess periods may not be included as part of the instructional hours unless  
33 the child's individualized education program requires instruction during  
34 those periods and the specific reasons for such instruction are fully  
35 documented. In computing the average daily membership, preschool children  
36 with disabilities and kindergarten students shall be counted as one-half of a  
37 full-time student. For common schools, a part-time student is a student  
38 enrolled for less than the total time for a full-time student as defined in  
39 this section. A part-time common school student shall be counted as  
40 one-fourth, one-half or three-fourths of a full-time student if the student  
41 is enrolled in an instructional program that is at least one-fourth, one-half  
42 or three-fourths of the time a full-time student is enrolled as defined in  
43 subdivision (b) of this paragraph.

1           (ii) For high schools, a part-time student who is enrolled in less  
2 than four subjects that count toward graduation as defined by the state board  
3 of education in a recognized high school and who is taught in less than  
4 twenty instructional hours per week prorated for any week with fewer than  
5 five school days. A part-time high school student shall be counted as  
6 one-fourth, one-half or three-fourths of a full-time student if the student  
7 is enrolled in an instructional program that is at least one-fourth, one-half  
8 or three-fourths of a full-time instructional program as defined in  
9 subdivision (c) of this paragraph.

10           (b) "Full-time student" means:

11           (i) For common schools, a student who is at least six years of age  
12 prior to January 1 of a school year, who has not graduated from the highest  
13 grade taught in the school district and who is regularly enrolled in a course  
14 of study required by the state board of education. Until fiscal year  
15 2001-2002, first, second and third grade students, ungraded students at least  
16 six, but under nine, years of age by September 1 or ungraded group B children  
17 with disabilities who are at least five, but under six, years of age by  
18 September 1 must be enrolled in an instructional program that meets for a  
19 total of at least six hundred ninety-two hours during the minimum number of  
20 days required in a school year as provided in section 15-341. In fiscal year  
21 2001-2002, the program shall meet at least six hundred ninety-six hours. In  
22 fiscal year 2002-2003, the program shall meet at least seven hundred hours.  
23 In fiscal year 2003-2004, the program shall meet at least seven hundred four  
24 hours. In fiscal year 2004-2005, the program shall meet at least seven  
25 hundred eight hours. In fiscal year 2005-2006 and in each fiscal year  
26 thereafter, the program shall meet at least seven hundred twelve hours.  
27 Until fiscal year 2001-2002, fourth, fifth and sixth grade students or  
28 ungraded students at least nine, but under twelve, years of age by September  
29 1 must be enrolled in an instructional program that meets for a total of at  
30 least eight hundred sixty-five hours during the minimum number of school days  
31 required in a school year as provided in section 15-341. In fiscal year  
32 2001-2002, the program shall meet at least eight hundred seventy hours. In  
33 fiscal year 2002-2003, the program shall meet at least eight hundred  
34 seventy-five hours. In fiscal year 2003-2004, the program shall meet at least  
35 eight hundred eighty hours. In fiscal year 2004-2005, the program shall meet  
36 at least eight hundred eighty-five hours. In fiscal year 2005-2006 and each  
37 fiscal year thereafter, the program shall meet at least eight hundred ninety  
38 hours. Until fiscal year 2001-2002, seventh and eighth grade students or  
39 ungraded students at least twelve, but under fourteen, years of age by  
40 September 1 must be enrolled in an instructional program that meets for a  
41 total of at least one thousand thirty-eight hours during the minimum number  
42 of days required in a school year as provided in section 15-341. In fiscal  
43 year 2001-2002, the program shall meet at least one thousand forty-four  
44 hours. In fiscal year 2002-2003, the program shall meet at least one  
45 thousand fifty hours. In fiscal year 2003-2004, the program shall meet at

1 least one thousand fifty-six hours. In fiscal year 2004-2005, the program  
2 shall meet at least one thousand sixty-two hours. In fiscal year 2005-2006  
3 and each fiscal year thereafter, the program shall meet at least one thousand  
4 sixty-eight hours. Lunch periods and recess periods may not be included as  
5 part of the instructional hours unless the student is a child with a  
6 disability and the child's individualized education program requires  
7 instruction during those periods and the specific reasons for such  
8 instruction are fully documented.

9 (ii) For high schools, except as provided in section 15-105, a student  
10 not graduated from the highest grade taught in the school district, or an  
11 ungraded student at least fourteen years of age by September 1, and enrolled  
12 in at least a full-time instructional program of subjects that count toward  
13 graduation as defined by the state board of education in a recognized high  
14 school. A full-time student shall not be counted more than once for  
15 computation of average daily membership.

16 (iii) For homebound or hospitalized, a student receiving at least four  
17 hours of instruction per week.

18 (c) "Full-time instructional program" means:

19 (i) Through fiscal year 2000-2001, at least four subjects, each of  
20 which, if taught each school day for the minimum number of days required in a  
21 school year, would meet a minimum of one hundred twenty hours a year, or the  
22 equivalent, or one or more subjects taught in amounts of time totaling at  
23 least twenty hours per week prorated for any week with fewer than five school  
24 days.

25 (ii) For fiscal year 2001-2002, an instructional program that meets at  
26 least a total of seven hundred four hours during the minimum number of days  
27 required and includes at least four subjects each of which, if taught each  
28 school day for the minimum number of days required in a school year, would  
29 meet a minimum of one hundred twenty-two hours a year, or the equivalent, or  
30 one or more subjects taught in amounts of time totaling at least twenty hours  
31 per week prorated for any week with fewer than five school days.

32 (iii) For fiscal year 2002-2003, an instructional program that meets  
33 at least a total of seven hundred eight hours during the minimum number of  
34 days required and includes at least four subjects each of which, if taught  
35 each school day for the minimum number of days required in a school year,  
36 would meet a minimum of one hundred twenty-two hours a year, or the  
37 equivalent, or one or more subjects taught in amounts of time totaling at  
38 least twenty hours per week prorated for any week with fewer than five school  
39 days.

40 (iv) For fiscal year 2003-2004, an instructional program that meets at  
41 least a total of seven hundred twelve hours during the minimum number of days  
42 required and includes at least four subjects each of which, if taught each  
43 school day for the minimum number of days required in a school year, would  
44 meet a minimum of one hundred twenty-three hours a year, or the equivalent,

or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(v) For fiscal year 2004-2005, an instructional program that meets at least a total of seven hundred sixteen hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(vi) For fiscal year 2005-2006 and each fiscal year thereafter, an instructional program that meets at least a total of seven hundred twenty hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

3. "Budget year" means the fiscal year for which the school district is budgeting and which immediately follows the current year.

4. "Common school district" means a political subdivision of this state offering instruction to students in programs for preschool children with disabilities and kindergarten programs and **EITHER:**

(a) Grades one through eight.

(b) **AFTER AN AFFIRMATIVE VOTE OF A COMMON SCHOOL DISTRICT GOVERNING BOARD, GRADES ONE THROUGH NINE.**

5. "Current year" means the fiscal year in which a school district is operating.

6. "Daily attendance" means:

(a) For common schools, days in which a pupil:

(i) Of a kindergarten program or ungraded, but not group B children with disabilities, and at least five, but under six, years of age by September 1 attends at least three-quarters of the instructional time scheduled for the day. If the total instruction time scheduled for the year is at least three hundred forty-six hours but is less than six hundred ninety-two hours such attendance shall be counted as one-half day of attendance. If the instructional time scheduled for the year is at least six hundred ninety-two hours, "daily attendance" means days in which a pupil attends at least one-half of the instructional time scheduled for the day. Such attendance shall be counted as one-half day of attendance.

(ii) Of the first, second or third grades, ungraded and at least six, but under nine, years of age by September 1 or ungraded group B children with disabilities and at least five, but under six, years of age by September 1 attends more than three-quarters of the instructional time scheduled for the day.

(iii) Of the fourth, fifth or sixth grades or ungraded and at least nine, but under twelve, years of age by September 1 attends more than three-quarters of the instructional time scheduled for the day, except as provided in section 15-797.

(iv) Of the seventh or eighth grades or ungraded and at least twelve, but under fourteen, years of age by September 1 attends more than three-quarters of the instructional time scheduled for the day, except as provided in section 15-797.

(b) For common schools, the attendance of a pupil at three-quarters or less of the instructional time scheduled for the day shall be counted as follows, except as provided in section 15-797 and except that attendance for a fractional student shall not exceed the pupil's fractional membership:

(i) If attendance for all pupils in the school is based on quarter days, the attendance of a pupil shall be counted as one-fourth of a day's attendance for each one-fourth of full-time instructional time attended.

(ii) If attendance for all pupils in the school is based on half days, the attendance of at least three-quarters of the instructional time scheduled for the day shall be counted as a full day's attendance and attendance at a minimum of one-half but less than three-quarters of the instructional time scheduled for the day equals one-half day of attendance.

(c) For common schools, the attendance of a preschool child with disabilities shall be counted as one-fourth day's attendance for each thirty-six minutes of attendance not including lunch periods and recess periods, except as provided in paragraph 2, subdivision (a), item (i) of this subsection for children with disabilities up to a maximum of three hundred sixty minutes each week.

(d) For high schools or ungraded schools in which the pupil is at least fourteen years of age by September 1, the attendance of a pupil shall not be counted as a full day unless the pupil is actually and physically in attendance and enrolled in and carrying four subjects, each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty hours a year, or the equivalent, that count toward graduation in a recognized high school except as provided in section 15-797 and subdivision (e) of this paragraph. Attendance of a pupil carrying less than the load prescribed shall be prorated.

(e) For high schools or ungraded schools in which the pupil is at least fourteen years of age by September 1, the attendance of a pupil may be counted as one-fourth of a day's attendance for each sixty minutes of instructional time in a subject that counts toward graduation, except that attendance for a pupil shall not exceed the pupil's full or fractional membership.

(f) For homebound or hospitalized, a full day of attendance may be counted for each day during a week in which the student receives at least four hours of instruction.

(g) For school districts which maintain school for an approved year-round school year operation, attendance shall be based on a computation, as prescribed by the superintendent of public instruction, of the one hundred eighty days' equivalency or two hundred days' equivalency, as applicable, of instructional time as approved by the superintendent of public instruction during which each pupil is enrolled.

7. "Daily route mileage" means the sum of:

(a) The total number of miles driven daily by all buses of a school district while transporting eligible students from their residence to the school of attendance and from the school of attendance to their residence on scheduled routes approved by the superintendent of public instruction.

(b) The total number of miles driven daily on routes approved by the superintendent of public instruction for which a private party, a political subdivision or a common or a contract carrier is reimbursed for bringing an eligible student from the place of his residence to a school transportation pickup point or to the school of attendance and from the school transportation scheduled return point or from the school of attendance to his residence. Daily route mileage includes the total number of miles necessary to drive to transport eligible students from and to their residence as provided in this paragraph.

8. "District support level" means the base support level plus the transportation support level.

9. "Eligible students" means:

(a) Students who are transported by or for a school district and who qualify as full-time students or fractional students, except students for whom transportation is paid by another school district or a county school superintendent, and:

(i) For common school students, whose place of actual residence within the school district is more than one mile from the school facility of attendance or students who are admitted pursuant to section 15-816.01 and who meet the economic eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1785) for free or reduced price lunches and whose actual place of residence outside the school district boundaries is more than one mile from the school facility of attendance.

(ii) For high school students, whose place of actual residence within the school district is more than one and one-half miles from the school facility of attendance or students who are admitted pursuant to section 15-816.01 and who meet the economic eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1785) for free or reduced price lunches and whose actual place of residence outside the school district boundaries is more than one and one-half miles from the school facility of attendance.

(b) Kindergarten students, for purposes of computing the number of eligible students under subdivision (a), item (i) of this paragraph, shall be counted as full-time students, notwithstanding any other provision of law.

(c) Children with disabilities, as defined by section 15-761, who are transported by or for the school district or who are admitted pursuant to chapter 8, article 1.1 of this title and who qualify as full-time students or fractional students regardless of location or residence within the school district or children with disabilities whose transportation is required by the pupil's individualized education program.

(d) Students whose residence is outside the school district and who are transported within the school district on the same basis as students who reside in the school district.

10. "Enrolled" or "enrollment" means when a pupil is currently registered in the school district.

11. "GDP price deflator" means the average of the four implicit price deflators for the gross domestic product reported by the United States department of commerce for the four quarters of the calendar year.

12. "High school district" means a political subdivision of this state offering instruction to students for grades nine through twelve or that portion of the budget of a common school district which is allocated to teaching high school subjects with permission of the state board of education.

13. "Revenue control limit" means the base revenue control limit plus the transportation revenue control limit.

14. "Student count" means average daily membership as prescribed in this subsection for the fiscal year prior to the current year, except that for the purpose of budget preparation student count means average daily membership as prescribed in this subsection for the current year.

15. "Submit electronically" means submitted in a format and in a manner prescribed by the department of education.

16. "Total bus mileage" means the total number of miles driven by all buses of a school district during the school year.

17. "Total students transported" means all eligible students transported from their place of residence to a school transportation pickup point or to the school of attendance and from the school of attendance or from the school transportation scheduled return point to their place of residence.

18. "Unified school district" means a political subdivision of the state offering instruction to students in programs for preschool children with disabilities and kindergarten programs and grades one through twelve.

B. In this title, unless the context otherwise requires:

1. "Base" means the revenue level per student count specified by the legislature.

1           2. "Base level" means:

2           (a) For fiscal year 2006-2007, three thousand one hundred thirty-three  
3 dollars fifty-three cents.

4           (b) For fiscal year 2007-2008, three thousand two hundred twenty-six  
5 dollars eighty-eight cents.

6           3. "Base revenue control limit" means the base revenue control limit  
7 computed as provided in section 15-944.

8           4. "Base support level" means the base support level as provided in  
9 section 15-943.

10          5. "Certified teacher" means a person who is certified as a teacher  
11 pursuant to the rules adopted by the state board of education, who renders  
12 direct and personal services to school children in the form of instruction  
13 related to the school district's educational course of study and who is paid  
14 from the maintenance and operation section of the budget.

15          6. "ED, MIMR, SLD, SLI and OHI" means programs for children with  
16 emotional disabilities, mild mental retardation, a specific learning  
17 disability, a speech/language impairment and other health impairments.

18          7. "ED-P" means programs for children with emotional disabilities who  
19 are enrolled in private special education programs as prescribed in section  
20 15-765, subsection D, paragraph 1 or in an intensive school district program  
21 as provided in section 15-765, subsection D, paragraph 2.

22          8. "ELL" means English learners who do not speak English or whose  
23 native language is not English, who are not currently able to perform  
24 ordinary classroom work in English and who are enrolled in an English  
25 language education program pursuant to sections 15-751, 15-752 and 15-753.

26          9. "Full-time equivalent certified teacher" or "FTE certified teacher"  
27 means for a certified teacher the following:

28           (a) If employed full time as defined in section 15-501, 1.00.

29           (b) If employed less than full time, multiply 1.00 by the percentage  
30 of a full school day, or its equivalent, or a full class load, or its  
31 equivalent, for which the teacher is employed as determined by the governing  
32 board.

33          10. "Group A" means educational programs for career exploration, a  
34 specific learning disability, an emotional disability, mild mental  
35 retardation, remedial education, a speech/language impairment, homebound,  
36 bilingual, preschool moderate delay, preschool speech/language delay, other  
37 health impairments and gifted pupils.

38          11. "Group B" means educational improvements for pupils in kindergarten  
39 programs and grades one through three, educational programs for autism, a  
40 hearing impairment, moderate mental retardation, multiple disabilities,  
41 multiple disabilities with severe sensory impairment, orthopedic impairments,  
42 preschool severe delay, severe mental retardation and emotional disabilities  
43 for school age pupils enrolled in private special education programs or in  
44 school district programs for children with severe disabilities or visual

1 impairment and English learners enrolled in a program to promote English  
2 language proficiency pursuant to section 15-752.

3 12. "HI" means programs for pupils with hearing impairment.

4 13. "Homebound" or "hospitalized" means a pupil who is capable of  
5 profiting from academic instruction but is unable to attend school due to  
6 illness, disease, accident or other health conditions, who has been examined  
7 by a competent medical doctor and who is certified by that doctor as being  
8 unable to attend regular classes for a period of not less than three school  
9 months or a pupil who is capable of profiting from academic instruction but  
10 is unable to attend school regularly due to chronic or acute health problems,  
11 who has been examined by a competent medical doctor and who is certified by  
12 that doctor as being unable to attend regular classes for intermittent  
13 periods of time totaling three school months during a school year. The  
14 medical certification shall state the general medical condition, such as  
15 illness, disease or chronic health condition, that is the reason that the  
16 pupil is unable to attend school. Homebound or hospitalized includes a  
17 student who is unable to attend school for a period of less than three months  
18 due to a pregnancy if a competent medical doctor, after an examination,  
19 certifies that the student is unable to attend regular classes due to risk to  
20 the pregnancy or to the student's health.

21 14. "K" means kindergarten programs.

22 15. "K-3" means kindergarten programs and grades one through three.

23 16. "MD-R, A-R and SMR-R" means resource programs for pupils with  
24 multiple disabilities, autism and severe mental retardation.

25 17. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils  
26 with multiple disabilities, autism and severe mental retardation.

27 18. "MDSSI" means a program for pupils with multiple disabilities with  
28 severe sensory impairment.

29 19. "MOMR" means programs for pupils with moderate mental retardation.

30 20. "OI-R" means a resource program for pupils with orthopedic  
31 impairments.

32 21. "OI-SC" means a self-contained program for pupils with orthopedic  
33 impairments.

34 22. "PSD" means preschool programs for children with disabilities as  
35 provided in section 15-771.

36 23. "P-SD" means programs for children who meet the definition of  
37 preschool severe delay as provided in section 15-771.

38 24. "Qualifying tax rate" means the qualifying tax rate specified in  
39 section 15-971 applied to the assessed valuation used for primary property  
40 taxes.

41 25. "Small isolated school district" means a school district which  
42 meets all of the following:

43 (a) Has a student count of fewer than six hundred in kindergarten  
44 programs and grades one through eight or grades nine through twelve.

1 (b) Contains no school which is fewer than thirty miles by the most  
2 reasonable route from another school, or, if road conditions and terrain make  
3 the driving slow or hazardous, fifteen miles from another school which  
4 teaches one or more of the same grades and is operated by another school  
5 district in this state.

6 (c) Is designated as a small isolated school district by the  
7 superintendent of public instruction.

8 26. "Small school district" means a school district which meets all of  
9 the following:

10 (a) Has a student count of fewer than six hundred in kindergarten  
11 programs and grades one through eight or grades nine through twelve.

12 (b) Contains at least one school which is fewer than thirty miles by  
13 the most reasonable route from another school which teaches one or more of  
14 the same grades and is operated by another school district in this state.

15 (c) Is designated as a small school district by the superintendent of  
16 public instruction.

17 27. "Transportation revenue control limit" means the transportation  
18 revenue control limit computed as prescribed in section 15-946.

19 28. "Transportation support level" means the support level for pupil  
20 transportation operating expenses as provided in section 15-945.

21 29. "VI" means programs for pupils with visual impairments.

22 30. "Voc. Ed." means career and technical education and vocational  
23 education programs, as defined in section 15-781.

24 Sec. 2. Section 15-2002, Arizona Revised Statutes, is amended to read:  
25 15-2002. Powers and duties: executive director: staffing:  
26 report

27 A. The school facilities board shall:

28 1. Make assessments of school facilities and equipment deficiencies  
29 and approve the distribution of grants as appropriate.

30 2. Develop a database for administering the building renewal formula  
31 prescribed in section 15-2031 and administer the distribution of monies to  
32 school districts for building renewal.

33 3. Inspect school buildings at least once every five years to ensure  
34 compliance with the building adequacy standards prescribed in section 15-2011  
35 and routine preventative maintenance guidelines as prescribed in this section  
36 with respect to construction of new buildings and maintenance of existing  
37 buildings. The school facilities board shall randomly select twenty school  
38 districts every thirty months and inspect them pursuant to this paragraph.

39 4. Review and approve student population projections submitted by  
40 school districts to determine to what extent school districts are entitled to  
41 monies to construct new facilities pursuant to section 15-2041. The board  
42 shall make a final determination within six months of the receipt of an  
43 application by a school district for monies from the new school facilities  
44 fund.

1           5. Certify that plans for new school facilities meet the building  
2 adequacy standards prescribed in section 15-2011.

3           6. Develop prototypical elementary and high school designs. The board  
4 shall review the design differences between the schools with the highest  
5 academic productivity scores and the schools with the lowest academic  
6 productivity scores. The board shall also review the results of a valid and  
7 reliable survey of parent quality rating in the highest performing schools  
8 and the lowest performing schools in this state. The survey of parent  
9 quality rating shall be administered by the department of education. The  
10 board shall consider the design elements of the schools with the highest  
11 academic productivity scores and parent quality ratings in the development of  
12 elementary and high school designs. The board shall develop separate school  
13 designs for elementary, middle and high schools with varying pupil  
14 capacities.

15           7. Develop application forms, reporting forms and procedures to carry  
16 out the requirements of this article.

17           8. Review and approve or reject requests submitted by school districts  
18 to take actions pursuant to section 15-341, subsection ~~F~~ G.

19           9. Submit an annual report by December 15 to the speaker of the house  
20 of representatives, the president of the senate, the superintendent of public  
21 instruction, the director of the Arizona state library, archives and public  
22 records and the governor that includes the following information:

23           (a) A detailed description of the amount of monies distributed by the  
24 school facilities board in the previous fiscal year.

25           (b) A list of each capital project that received monies from the  
26 school facilities board during the previous fiscal year, a brief description  
27 of each project that was funded and a summary of the board's reasons for the  
28 distribution of monies for the project.

29           (c) A summary of the findings and conclusions of the building  
30 maintenance inspections conducted pursuant to this article during the  
31 previous fiscal year.

32           (d) A summary of the findings of common design elements and  
33 characteristics of the highest performing schools and the lowest performing  
34 schools based on academic productivity including the results of the parent  
35 quality rating survey. For the purposes of this subdivision, "academic  
36 productivity" means academic year advancement per calendar year as measured  
37 with student-level data using the statewide nationally standardized  
38 norm-referenced achievement test.

39           10. By December 1 of each year, report to the joint committee on  
40 capital review the amounts necessary to fulfill the requirements of sections  
41 15-2022, 15-2031 and 15-2041 for the following fiscal year and the estimated  
42 amounts necessary to fulfill the requirements of sections 15-2022, 15-2031  
43 and 15-2041 for the fiscal year following the next fiscal year. The board  
44 shall provide copies of the report to the president of the senate, the  
45 speaker of the house of representatives and the governor.

11. Adopt minimum school facility adequacy guidelines to provide the minimum quality and quantity of school buildings and the facilities and equipment necessary and appropriate to enable pupils to achieve the educational goals of the Arizona state schools for the deaf and the blind. The school facilities board shall establish minimum school facility adequacy guidelines applicable to the Arizona state schools for the deaf and the blind.

12. In each even-numbered year, report to the joint committee on capital review the amounts necessary to fulfill the requirements of sections 15-2031 and 15-2041 for the Arizona state schools for the deaf and the blind for the following two fiscal years. The Arizona state schools for the deaf and the blind shall incorporate the findings of the report in any request for building renewal monies and new school facilities monies. Any monies provided to the Arizona state schools for the deaf and the blind for building renewal and for new school facilities are subject to legislative appropriation.

13. By June 15 of each year, submit detailed information regarding demographic assumptions, a proposed construction schedule and new school construction cost estimates for individual projects approved in the current fiscal year and expected project approvals for the upcoming fiscal year to the joint committee on capital review for its review. A copy of the report shall also be submitted to the governor's office of strategic planning and budgeting. The joint legislative budget committee staff, the governor's office of strategic planning and budgeting staff and the school facilities board staff shall agree on the format of the report.

14. Every two years, provide school districts with information on improving and maintaining the indoor environmental quality in school buildings.

B. The school facilities board may contract for private services in compliance with the procurement practices prescribed in title 41, chapter 23.

C. The governor shall appoint an executive director of the school facilities board pursuant to section 38-211. The executive director is eligible to receive compensation as determined pursuant to section 38-611 and may hire and fire necessary staff as approved by the legislature in the budget. The executive director shall have demonstrated competency in school finance, facilities design or facilities management, either in private business or government service. The executive director serves at the pleasure of the governor. The staff of the school facilities board is exempt from title 41, chapter 4, articles 5 and 6. The executive director:

1. Shall analyze applications for monies submitted to the board by school districts.

2. Shall assist the board in developing forms and procedures for the distribution and review of applications and the distribution of monies to school districts.

1           3. May review or audit, or both, the expenditure of monies by a school  
2 district for deficiencies corrections, building renewal and new school  
3 facilities.

4           4. Shall assist the board in the preparation of the board's annual  
5 report.

6           5. Shall research and provide reports on issues of general interest to  
7 the board.

8           6. May aid school districts in the development of reasonable and  
9 cost-effective school designs in order to avoid statewide duplicated efforts  
10 and unwarranted expenditures in the area of school design.

11          7. May assist school districts in facilitating the development of  
12 multijurisdictional facilities.

13          8. Shall assist the board in any other appropriate matter or method as  
14 directed by the members of the board.

15          9. Shall establish procedures to ensure compliance with the notice and  
16 hearing requirements prescribed in section 15-905. The notice and hearing  
17 procedures adopted by the board shall include the requirement, with respect  
18 to the board's consideration of any application filed after July 1, 2001 or  
19 after December 31 of the year in which the property becomes territory in the  
20 vicinity of a military airport or ancillary military facility as defined in  
21 section 28-8461 for monies to fund the construction of new school facilities  
22 proposed to be located in territory in the vicinity of a military airport or  
23 ancillary military facility, that the military airport receive notification  
24 of the application by first class mail at least thirty days before any  
25 hearing concerning the application.

26          10. May expedite any request for monies in which the local match was  
27 not obtained for a project that received preliminary approval by the state  
28 board for school capital facilities.

29          11. Shall expedite any request for monies in which the school district  
30 governing board submits an application that shows an immediate need for a new  
31 school facility.

32          12. Shall make a determination as to administrative completion within  
33 one month after the receipt of an application by a school district for monies  
34 from the new school facilities fund.

35          13. Shall provide technical support to school districts as requested by  
36 school districts in connection with the construction of new school facilities  
37 and the maintenance of existing school facilities.

38          D. When appropriate, the school facilities board shall review and use  
39 the statewide school facilities inventory and needs assessment conducted by  
40 the joint committee on capital review and issued in July, 1995.

41          E. The school facilities board shall contract with one or more private  
42 building inspectors to complete an initial assessment of school facilities  
43 and equipment and shall inspect each school building in this state at least  
44 once every five years to ensure compliance with section 15-2011. A copy of  
45 the inspection report, together with any recommendations for building

1 maintenance, shall be provided to the school facilities board and the  
2 governing board of the school district.

3 F. The school facilities board may consider appropriate combinations  
4 of facilities or uses in making assessments of and curing deficiencies  
5 pursuant to subsection A, paragraph 1 of this section and in certifying plans  
6 for new school facilities pursuant to subsection A, paragraph 5 of this  
7 section.

8 G. The board shall not award any monies to fund new facilities that  
9 are financed by class A bonds that are issued by the school district.

10 H. The board shall not distribute monies to a school district for  
11 replacement or repair of facilities if the costs associated with the  
12 replacement or repair are covered by insurance or a performance or payment  
13 bond.

14 I. The board may contract for construction services and materials that  
15 are necessary to correct existing deficiencies in school district facilities.  
16 The board may procure the construction services necessary pursuant to this  
17 subsection by any method including construction-manager-at-risk,  
18 design-build, design-bid-build or job-order-contracting as provided by title  
19 41, chapter 23. The construction planning and services performed pursuant to  
20 this subsection are exempt from section 41-791.01.

21 J. The school facilities board may enter into agreements with school  
22 districts to allow school facilities board staff and contractors access to  
23 school property for the purposes of performing the construction services  
24 necessary pursuant to subsection I of this section.

25 K. Each school district shall develop routine preventative maintenance  
26 guidelines for its facilities. The guidelines shall be submitted to the  
27 school facilities board for review and approval. If upon inspection by the  
28 school facilities board it is determined that a school district facility was  
29 inadequately maintained pursuant to the school district's routine  
30 preventative maintenance guidelines, the school district shall use building  
31 renewal monies pursuant to section 15-2031, subsection L to return the  
32 building to compliance with the school district's routine preventative  
33 maintenance guidelines. Once the district is in compliance, it no longer is  
34 required to use building renewal monies for preventative maintenance.

35 L. The school facilities board may temporarily transfer monies between  
36 the capital reserve fund established by section 15-2003, the emergency  
37 deficiencies correction fund established by section 15-2022, the building  
38 renewal fund established by section 15-2031 and the new school facilities  
39 fund established by section 15-2041 if all of the following conditions are  
40 met:

41 1. The transfer is necessary to avoid a temporary shortfall in the  
42 fund into which the monies are transferred.

43 2. The transferred monies are restored to the fund where the monies  
44 originated as soon as practicable after the temporary shortfall in the other  
45 fund has been addressed.

1           3. The school facilities board reports to the joint committee on  
2 capital review the amount of and the reason for any monies transferred.

3           M. THE SCHOOL FACILITIES BOARD SHALL NOT REQUIRE A COMMON SCHOOL  
4 DISTRICT THAT PROVIDES INSTRUCTION TO PUPILS IN GRADE NINE TO OBTAIN APPROVAL  
5 FROM THE SCHOOL FACILITIES BOARD TO RECONFIGURE SCHOOL FACILITIES IN THE  
6 SCHOOL DISTRICT. A COMMON SCHOOL DISTRICT THAT PROVIDES INSTRUCTION TO  
7 PUPILS IN GRADE NINE IS NOT ENTITLED TO ADDITIONAL MONIES FROM THE SCHOOL  
8 FACILITIES BOARD FOR FACILITIES TO EDUCATE PUPILS IN GRADE NINE.